



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

April 19, 2011

Surface Transportation Board
Section of Environmental Analysis
395 East Street, SW
Washington, DC 20423-0001

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 706X)

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Dear STB - SEA:

Please be advised that on April 29, 2011, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon 0.56 mile near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo known as the Erie Running Track in Erie County, Buffalo, New York

Attached is a preliminary Environmental Report describing the proposed action and any expected environmental issues. We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. Before this Report is finalized and submitted to the Board, we will incorporate into it any comments that we receive from you. Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. If any of the information is incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, NW, Washington, DC 20423, telephone (202) 245-0230 and refer to the above Docket Numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your comments to SEA (with copy to me) within three weeks would be appreciated.

For your convenience, a response form is enclosed. You may email the response to Jo_Burroughs@CSX.com or you may return the form in the self-addressed return envelope which is also enclosed for your convenience.

If your comments have not been received by April 27, 2011, CSXT will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction.

If there are any questions concerning this proposal, please contact me directly by telephone at (904) 279-3823 or by the above email address.

Sincerely,

Jo Ann Burroughs

Attachments

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Jo Ann Burroughs
Manager Network Services

April 19, 2011

New York Department of State
Division of Coastal Resources
99 Washington Ave. Suite 1010
Albany, NY 12231



Dear Sir/Madam:

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 706X)

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Jo Ann Burroughs
Manager Network Services

April 19, 2011

New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dear Sir/Madam:

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Proposed Abandonment
Docket No. AB-55 (Sub No. 706X)



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Jo Ann Burroughs
Manager Network Services

April 19, 2011



Ms. Kathy Konst
Commissioner of Environment and Planning
Edward A. Rath County Office Bldg
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Dear Ms. Konst;

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 706X)

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Manager Network Services



April 19, 2011

United States Department of Agriculture
Natural Resources Conservation Service
220 Davidson Ave. Floor 4
Somerset, NJ 08873

Dear Sir/Madam:

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 706X)

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Jo Ann Burroughs
Manager Network Services



April 19, 2011

U.S. Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-1866

Dear Sir/Madam:

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 706X)

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Manager Network Services

April 19, 2011

U.S. Army Corps of Engineers
Baltimore District Office
City Crescent Bldg
10 South Howard Street
Baltimore, MD 21201



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April 19, 2011

U.S. Environmental Protection Agency
EPA Region 2
Jacob K. Javits Bldg
290 Broadway
New York, NY 10007-1866



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Jo Ann Burroughs
Manager Network Services

April 19, 2011

Buffalo City Planning
Mr. Brendan R. Mehaffy
901 City Hall
Buffalo, NY 14202



Dear Mr. Mehaffy;

RE: CSX Transportation, Inc.
Proposed Abandonment
Docket No. AB-55 (Sub No. 706X)

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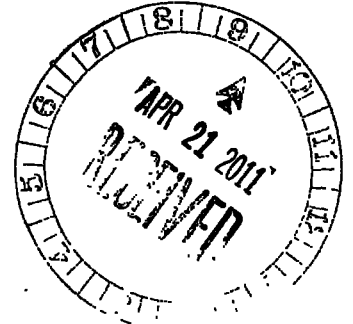


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Manager Network Services

April 19, 2011

Natural Park Service
New York
newyork@nps.gov



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Jo Ann Burroughs
Manager Network Services



CSXT Environmental Report Response Form

STB Docket Number AB 55 Sub No. 706X

Notice of Exemption from 0.56 mile near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ
5.58 near E. Delavan Ave., Buffalo known as the Erie Running Track in Erie County, Buffalo, New York

Agency response (check one):

☐ No Environmental Impact

☐ Environmental Impact as follows (or attached):

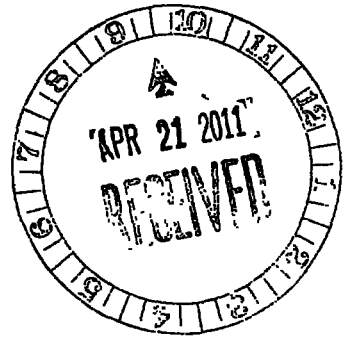
Date: _____

Signature: _____

Name: _____

Title: _____

ENVIRONMENTAL REPORT



**CSX TRANSPORTATION, INC.
Buffalo, Erie County, New York
Docket AB-55 (Sub-No. 706X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSXT (Applicant) proposes to abandon approximately 0.56 mile of its rail line between from Railroad Milepost QCQ 5.02 (E. Ferry Street) to Railroad Milepost QCQ 5.58 (E. Delavan Ave), known as the Erie Running Track, in Buffalo, Erie County, New York (the Line).

Notice of Exemption Language:

The above referenced 0.56-mile line has not generated any originating or terminating traffic in over 2 years.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Finally, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps which delineate the proposed project are attached. (See Attachments 1 and 2)

Further attached is a distribution list of all parties who have received a copy of this report. (See Attachment 3)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger or freight traffic on this line. Since there has not been any traffic on this line in over 2 years, there will be no effect on existing regional or local transportation systems or patterns. (See Attachment # 4).

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its March 31, 2011 to Erie Count Planning Office or Buffalo City Planning Office requesting information regarding this statement. (See Attachments 5 and 6)

Based on the fact that the line has not generated any traffic in over 2 years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has not received a response to its March 31, 2011 inquiry to the U.S. Department of Agriculture, Natural Resources Conservation Service in Somerset, NJ, requesting information regarding this statement. (See Attachment 7)

While some prime farmland may exist in the vicinity of this project, Applicant feels the simple removal of track material should not have an adverse impact.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

Applicant has not received a response to its March 31, 2011 inquiry to the New York Department of State Division of Coastal Resources requesting information regarding this statement. (See Attachment #8)

Applicant feels that the simple removal of track material should not have an adverse impact on any coastal zone, land or water uses.

- (iv) If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

The properties proposed to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.**

The proposed action will have no effect on the movement and/or recovery of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).**

Applicant believes that the abandonment will have no effect on public health or safety.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.**

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.**

Applicant's records do not indicate any known hazardous material spills or hazardous waste sites.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.**

Applicant has not received a response to its March 31, 2011 inquiry to the U.S. Fish and Wildlife Service in Northeast Regional Office requesting information regarding this statement. (See Attachment #9)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or

critical habitats modified if the line is abandoned.

- (ii) **State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.**

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

- (i) **Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.**

Applicant has not received a response to its March 31, 2011 inquiry to the New York Department of Environmental Conservation in Albany, NY requesting information regarding this statement. (See Attachment #10)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) **Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its April 4, 2011 inquiry to the U.S. Army Corps of Engineers in Baltimore, MD requesting information regarding this statement. (See Attachment 11)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. Applicant does not intend to disturb any of the underlying road-bed or perform any activities that would cause

sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) **State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).**

Applicant has not received a response to its April 4, 2011 inquiry to the U.S. Regional EPA Office in New York, NY requesting information regarding this statement. (See Attachment 12)

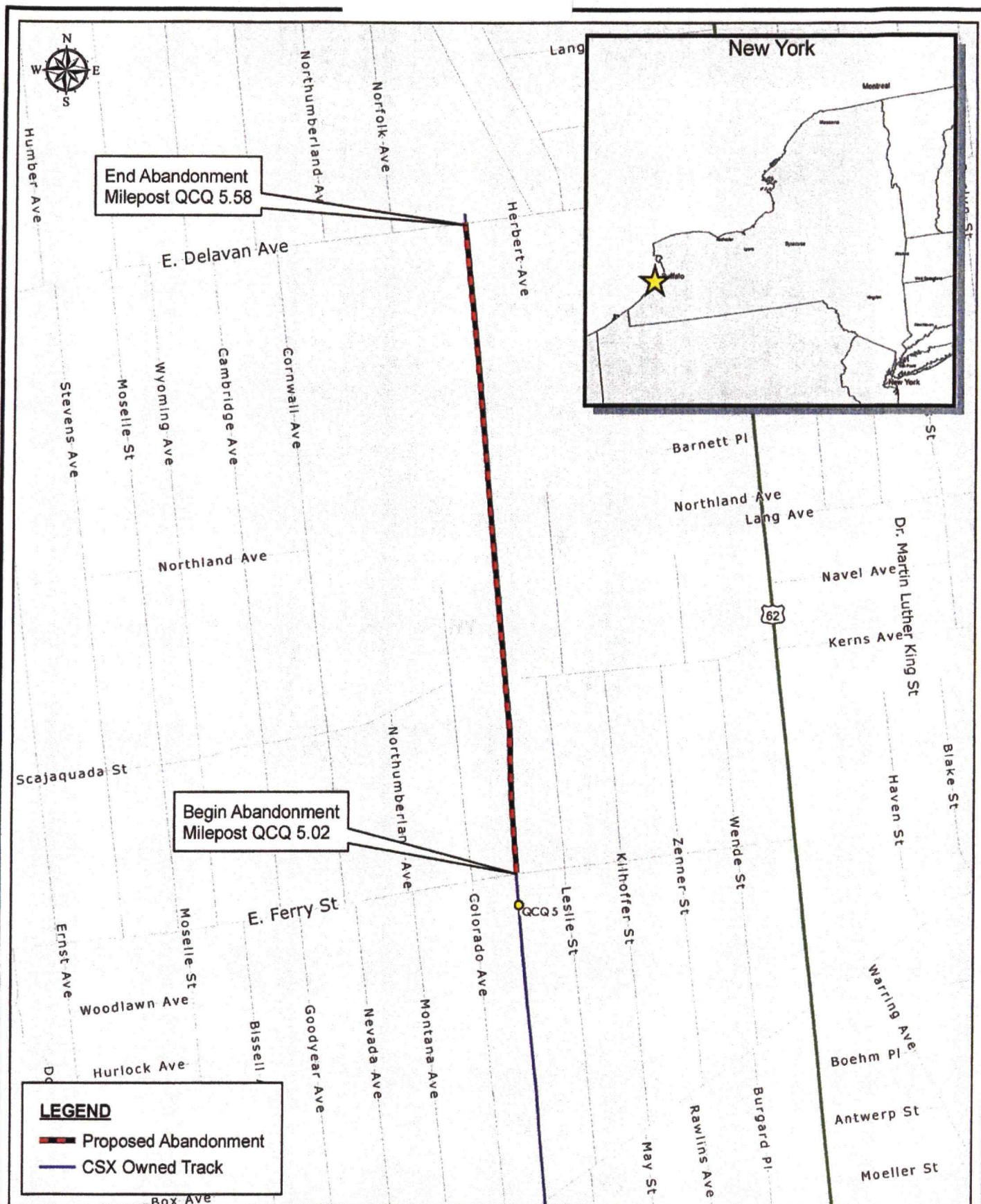
Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will comply with reasonable State and Federal regulations and obtain any necessary permits required.

Attachment 1



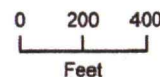
BUFFALO SUBDIVISION
CSX Transportation, Inc.
Proposed Abandonment NY-029-1043613

QCQ 5.02 - QCQ 5.58, a distance of 0.56 mile

Creation Date: March 07, 2011

Buffalo, Erie County, New York - STB Docket No. AB 55 (Sub-No 706X)

CSX Real Property, Inc.



Attachment 2



Creation Date: April 04, 2011
USGS QUAD 1980-01-01 "cubed"
1:24000, 0.15m, "color"

BUFFALO SUBDIVISION CSX Transportation, Inc. Proposed Abandonment

QCQ 5.02 - QCQ 5.58, a distance of 0.56 mile
Buffalo, Erie County, New York - STB Docket No. AB 55 (Sub-No 706X)

0 200 400
Feet

CSX Real Property, Inc.
NY-029-1043613

Attachment 3

Buffalo, New York
Distribution Letters

STATE HISTORIC PRESERVATION OFFICE

Ms. Elizabeth Martin
New York State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189
518-237-8643

STATE ENVIRONMENTAL PROTECTION AGENCY

New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233
518-402-9509

STATE COASTAL MANAGEMENT

New York Department of State
Division of Coastal Resources
99 Washington Ave. Suite 1010
Albany, NY 12231

NATURAL RESOURCES CONSERVATION SERVICE

United States Department of Agriculture
Natural Resources Conservation Service
220 Davidson Ave. Fl 4
Somerset, NJ 08873

NYDOT

NYDOT
Main Office
50 Wolf Road
Albany, NY 12232

U.S. FISH AND WILDLIFE SERVICE

Northeast Regional Office
U.S. Fish and Wildlife Service
300 Westgate Center Drive

4/18/2011

Buffalo, New York
Distribution Letters

Hadley, MA 01035-9589

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

EPA Region 2
Jacob K. Javits Federal Bldg
290 Broadway
New York, NY 10007-1866

UNITED STATES ARMY CORPS OF ENGINEERS OFFICE

U.S. Army Corps of Engineers
Baltimore District Office
City Crescent Bldg
10 South Howard Street
Baltimore, MD 21201

U.S. NATIONAL GEODETIC SURVEY

ngs.infocenter@noaa.gov

NATURAL PARK SERVICE NEW YORK

newyork@nps.gov

BUFFALO CITY PLANNING

Mr. Brendan R. Mehaffy
901 City Hall
Buffalo, NY 14202

COUNTY PLANNING OFFICE

Kathy Konst, Commissioner of Environment and Planning
Edward A. Rath County Office Bldg
95 Franklin Street, 10th Fl
Buffalo, NY 14202

4/18/2011

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

I, Ellen M. Preslar, being duly sworn, depose and state that I am Manager Regulatory Costing for Network Rationalization of CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local traffic has moved over CSXT's 0.56-mile rail line on its Northern Region, Albany Division, Buffalo Terminal Subdivision from Railroad Milepost QCQ 5.02 near E. Ferry Street to end of track at Railroad Milepost QCQ 5.58 near E. Delavan Avenue, a portion of the track known as the Erie Running Track in Buffalo, Erie County, New York, for at least two years prior to the date hereof. Since this is not a through line, no overhead traffic has operated; therefore, none needs to be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

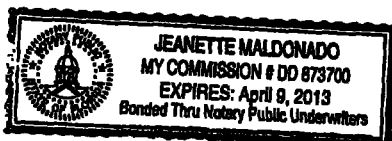
Ellen M. Preslar

Ellen M. Preslar

SUBSCRIBED AND SWORN TO before me this 18th day of April 2011.

My Commission Expires: 4/9/2013

[Signature]
Notary Public



Attachment 5



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

Ms. Kathy Konst
Commissioner of Environment and Planning
Edward A. Rath County Office Bldg
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Dear Ms. Konst;

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (i) require that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your comments regarding current and future land use in relationship to the rail line.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Jo Ann Burroughs

A handwritten signature in black ink, appearing to read "Jo Ann Burroughs", written in a cursive style.

Attachment

Attachment 6



500 Water Street -- J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

April 4, 2011

Buffalo City Planning
Mr. Brendan R. Mehaffy
901 City Hall
Buffalo, NY 14202

Dear Mr. Mehaffy;

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (i) require that CSXT develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

CSXT would appreciate your comments regarding current and future land use in relationship to the rail line.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jo Ann Burroughs', is written over the printed name.

Jo Ann Burroughs
Attachment



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

United States Department of Agriculture
Natural Resources Conservation Service
220 Davidson Ave. Floor 4
Somerset, NJ 08873

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Ann Burroughs", is written over the typed name.

Jo Ann Burroughs
Attachment

Attachment 8



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

New York Department of State
Division of Coastal Resources
99 Washington Ave. Suite 1010
Albany, NY 12231

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

- (i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) "State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,


Jo Ann Burroughs
Attachment

Attachment 9



500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 279-3623
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

U.S. Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-1866

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

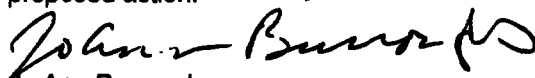
- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.


Jo Ann Burroughs



500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

March 31, 2011

New York Department of Environmental Conservation
625 Broadway
Albany, NY 12233

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

(i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."

(iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Jo Ann Burroughs
Attachment



Attachment 11

500 Water Street – J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

**Jo Ann Burroughs
Manager Network Services**

April 4, 2011

U.S. Army Corps of Engineers
Baltimore District Office
City Crescent Bldg
10 South Howard Street
Baltimore, MD 21201

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map. This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9) (ii) require that CSXT develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is CSXT's opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. CSXT does not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and CSXT does not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Jo Ann Burroughs
Attachment



Attachment 12

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 279-3823
FAX: (904) 279-3902
E-Mail: Jo_Burroughs@csx.com

Jo Ann Burroughs
Manager Network Services

April 4, 2011

U.S. Environmental Protection Agency
EPA Region 2
Jacob K. Javits Bldg
290 Broadway
New York, NY 10007-1866

Dear Sir/Madam:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost QCQ 5.00 near E. Ferry St., Buffalo, to the end of track at Railroad Milepost QCQ 5.58 near E. Delavan Ave., Buffalo, a distance of 0.56 mile, known as the Erie Running Track in Erie County, Buffalo, New York as depicted on the attached map. This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that CSXT develop a response to the following statements:

- (i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

As further information, CSXT will provide a preliminary environmental report in the coming weeks which will outline the scope of the proposed salvage activity (as stated above) and include any comments received from your office.

Further enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

Jo Ann Burroughs
Attachment